

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION

In re:	§	
	§	
Remnant Oil Company, LLC and	§	Case No. 19-70106
Remnant Oil Operating, LLC,	§	Case No. 19-70107
	§	
Debtors.	§	Chapter 7
	§	
	§	(Jointly Administered under
	§	Case No. 19-70106)

**NOTICE OF DEFAULT**

Pursuant to the Final Order authorizing Debtors to Obtain Secured Debtor-In-Possession Financing [Document Number 162] (the “**DIP Order**” herein incorporated by reference), Cibolo Energy Resources, LLC (the “**DIP Lender**”) provides this Notice of Default (“**Notice**”) and would respectfully show the Court as follows:

- 1) On or about July 16, 2019, Remnant Oil Company, LLC. and Remnant Oil Operating, LLC (collectively, the “**Debtors**”) filed their Chapter 11 cases.
- 2) On or about April 14, 2020, the cases were converted to Chapter 7. Ronald Ingalls has been appointed as interim Chapter 7 trustee.
- 3) On or about September 25, 2019, the Court authorized the Debtors to obtain Secured Debtor-In-Possession financing.
- 4) The Debtors received the amount of \$750,000.00 as a Debtor-In-Possession loan from Colorado Waterston, LLC (“**Colorado Waterston**”). This transaction is referred to herein as the “**DIP Loan**.”

5) The DIP Lender subsequently purchased the DIP Loan from Colorado Waterston, thereby becoming the holder of the DIP Loan. As of this date, the DIP Lender still remains the holder.

6) The DIP Loan is currently in default. The Debtors and Colorado Waterson entered into a **“Debtor-In-Possession Loan and Security Agreement”** of which Section 8, “Events of Default” states in relevant part:

“Any one or more of the following events shall constitute an Event of default by Borrower under this Agreement:

8.1. Payment Default. Except to the extent the holder thereof would be stayed from exercising remedies as a result of the Cases, if Borrower fails to pay, when due, any of the Obligations;”

7) “Maturity Date” is defined in the Debtor-In-Possession Loan and Security Agreement as:

[t]he earlier of (i) the date which is ninety (90) days following the date of the first Advance. (ii) the consummation of a sale of all of the assets or a portion of the assets of the Borrower pursuant to Section 363 of the Bankruptcy Code or otherwise (including the Bankruptcy Sale); (iii) the effective date of a plan of reorganization or liquidation in the Cases; (iv) the date of filing or support by the Borrower of a plan of reorganization that does not provide for indefeasible payment in full in cash of all obligations owing hereunder; (v) entry of an order by the Bankruptcy Court converting the cases to a proceeding or proceedings under Chapter 7 of the Bankruptcy Code; (vi) entry of a final order by the Bankruptcy Court dismissing the Cases; or (vii) the date of termination of the DIP Loan Commitments and the acceleration of any outstanding extensions of credit under the Loans in accordance with the terms of this Agreement.

(Emphasis added).

8) Paragraph 14 of the DIP Order states in relevant part:

The DIP Lender and the Prepetition Lender may not repossess, foreclose or seize any DIP Collateral after maturity without delivering to the Debtor, the Office of the United States Trustee, and the Committee, and filing with the Bankruptcy Court, a notice of the occurrence of the Maturity Date.

DIP Order at ¶ 14.

9) The DIP Loan is currently under an Event of Default as no payments have been made.

10) The Maturity date of the DIP Loan has passed as of April 14, 2020, when the Cases were converted to Chapter 7.

11) This notice is being served concurrently to counsel to the Debtors, the counsel to the Committee of Unsecured Creditors and to the U.S. Trustee.

Dated this 26<sup>th</sup> day of June, 2020.

Respectfully submitted,

MARTINEC, WINN & VICKERS, P.C.

/s/ Joseph D. Martinec

Joseph D. Martinec

State Bar No. 13137500

611 S. Congress Avenue, Suite 450

Austin, TX 78704-1771

(512) 476-0750/FAX (512) 476-0753

[martinec@mwvmlaw.com](mailto:martinec@mwvmlaw.com)

Attorney for Lender Cibolo Energy Resources, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Notice of Default* was served via the Court's CM/ECF notification system on all parties requesting notice on such system, and via email or United States First Class Mail on each of the following, as indicated, on June 26, 2020.

Ronald E Ingalls  
PO Box 2867  
Fredericksburg, TX 78624-1927  
Trustee  
(Via ECF)

Bethany D. Simmons  
Loeb & Loeb, LLP  
345 Park Avenue  
New York, NY 10154  
Attorneys for Debtor  
(Via ECF)

Remnant Oil Company, LLC and  
Remnant Oil Operating, LLC  
6 Desta Dr #5100  
Midland, TX 79705  
Debtor  
(Via First Class Mail)

Stephen W. Sather  
Barron & Newburger, P.C.  
7320 N MoPac Expy, Suite 400  
Austin, TX 78731  
Attorney for Trustee  
(Via ECF)

James W. Rose, Jr.  
Trial Attorney  
U.S. Trustee  
615 E. Houston, Rm. 533  
San Antonio, TX 78205  
(Via ECF)

Official Committee of Unsecured Creditors  
Listed on the Attachment  
(Via e-mail)

**BRINKMAN PORTILLO RONK, APC**  
Daren R. Brinkman  
9500 Ray White Road, 2nd Floor  
Ft. Worth, TX 76244

Brinkman Portillo Ronk, APC  
4333 Park Terrace Drive, Ste 205  
Westlake Village, California 91361  
Counsel for the Official Committee of  
Unsecured Creditors of Remnant Oil  
Company, LLC, et al.  
(Via ECF)

/s/ Joseph D. Martinec  
Joseph D. Martinec

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
HENRY G. HOBBS, JR.  
ACTING UNITED STATES TRUSTEE  
JAMES W. ROSE, JR.  
TRIAL ATTORNEY  
615 E. HOUSTON, RM. 533  
SAN ANTONIO, TX 78205  
Telephone: (210) 472-4640  
Facsimile: (210) 472-4649

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION

IN RE:	§	
	§	
REMNANT OIL COMPANY, LLC,	§	CASE NO. 19-70106-TMD
	§	
REMNANT OIL OPERATING, LLC,	§	CASE NO. 19-70107-TMD
	§	
	§	
DEBTORS.	§	CHAPTER 11
	§	
	§	(JOINTLY ADMINISTERED UNDER
	§	CASE NO. 19-70106-TMD)

**NOTICE OF APPOINTMENT OF COMMITTEE OF UNSECURED CREDITORS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Pursuant to § 1102(a)(1) and (b)(1) of the Bankruptcy Code, the United States Trustee hereby appoints the following eligible creditors of the above-named debtors to the Committee of Unsecured Creditors in these cases.

1. Kodiak Gas Services, LLC  
Contact: Kyle Boudousquie  
15320 Highway 105 W., Suite 210  
Montgomery, TX 77356  
(936) 539-3300  
Email: [Kyle.boudousquie@kodiakgas.com](mailto:Kyle.boudousquie@kodiakgas.com)

2. Precision Pump And Supply  
Contact: Kendell Atkins  
P.O. Box 115  
Loco Hills, NM 88255  
(575) 370-1393  
Email: [precisionpumpandsupply@gmail.com](mailto:precisionpumpandsupply@gmail.com)
3. Mesa Well Servicing, LP  
Contact: Alan Claiborne  
1437 E Street  
Jourdanton, TX 78026  
(830) 767-2036  
Email: [aclaiborne@mesasouthern.com](mailto:aclaiborne@mesasouthern.com)
4. Alliance Well Service LLC  
Contact: Tony Pennington  
P.O. Box 1807  
Artesia, NM 88210  
(575) 616-1179  
Email: [tonyaltopennington@hotmail.com](mailto:tonyaltopennington@hotmail.com)
5. Art's Hot Oil Services LLC  
Contact: Arturo Carrasco  
P.O. Box 188  
Lovington, NM 88260  
(575) 602-1935  
Email: [artshotoil2@hotmail.com](mailto:artshotoil2@hotmail.com)
6. Double R Transportation, LLC  
Contact: Maria Alvarez  
1006 East Kansas Ave.  
Jal, NM 88252  
(575) 395-2622  
Email: [double\\_r1964@yahoo.com](mailto:double_r1964@yahoo.com)

Respectfully submitted,

HENRY G. HOBBS, JR.  
ACTING UNITED STATES TRUSTEE  
Region 7  
Southern and Western Districts of Texas

By: /s/ James W. Rose, Jr.  
James W. Rose, Jr.  
Trial Attorney  
Texas Bar No. 17251900  
615 E. Houston, Rm. 533  
San Antonio, TX 78205  
(210) 472-4646  
(210) 472-4649 Fax  
E-mail: [james.rose@usdoj.gov](mailto:james.rose@usdoj.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Appointment of Committee of Unsecured Creditors has been served upon each member of the committee of unsecured creditors by United States mail, first class, postage pre-paid, at the addresses contained in the Notice of Appointment and/or by electronic means for all Pacer system participants on this the 7<sup>th</sup> day of August, 2019.

/s/ James W. Rose, Jr.  
James W. Rose, Jr.  
Trial Attorney